

et al. On both grounds of rejection Applicant respectfully traverses. Nonetheless, Applicant has amended the pending independent claims of the application to more particularly set out what Applicant believes to be the invention. Applicant respectfully requests that the Examiner reconsider the amended claims, withdraw the final rejection, and allow the claims to issue.

Regarding the rejection under 35 U.S.C. § 102(e), each of the independent claims now calls for, among other things, either a means for or a step of recording a first set of data in a recording medium. The claims further call for a means for or a step of designating a start point and an end point of a desired second data set, wherein the second data set is a subset of the first data set (see e.g., amended claim 1). Recording is controlled such that the first data are endlessly recorded in the recording medium such that the non-designated portion of the first data excluding the designated second data is overwritten. This is accomplished by overwriting a region of the recording medium that avoids the region where the second data set is recorded.

This feature simply is not disclosed by Gushima et al. Gushima et al. merely disclosed an application of a buffer memory for providing continuous data recording. The buffer is used to temporarily store incoming data in case the recording apparatus temporarily becomes disabled, such as due to an external shock or the like. Gushima et al. column 31 line 47 through column 32 line 6 describes the operation of the buffer memory when an overflow condition is detected (i.e., data is being written into the memory faster than it is being written out). In this case new data are written into blocks for storing only even numbered pixels, the previously recorded even numbered pixel data being lost. The lost data are compensated for by interrelating the retained odd pixel data, thus minimizing the effects of lost data.

Such an overwrite protection scheme for a buffer memory has little or no relevance to the recording (and reproducing) apparatus claimed in the present application. Nowhere does

Gushima et al. disclose an input means for designating a start point and an end point for a desired second set of data which is a subset of the first data set. According to the Gushima apparatus there are no provisions for preserving selected images and/or voice recording while allowing other non-selected portions to be overwritten. Accordingly, Gushima does not anticipate the claimed invention and the claims should be allowed.


With regard to the rejection under 35 U.S.C. § 103, the additional references do not teach or suggest the features described above absent from the Gushima et al. disclosure: therefore the combined references cannot teach or suggest all features of the rejected dependent claims and the rejection under 35 U.S.C. § 103 is improper and should be withdrawn.

Applicants respectfully submit that all of the pending claims are allowable over the art of record, and ask that the Examiner withdraw the Final Rejection entered in the case and allow the application to issue. However, if there are any remaining issues the Examiner is encourage to call Applicant's attorney, Jeffrey H. Canfield at (312) 807-4233 in order to facilitate a speedy disposition of the present case. Marked-up version of the amended claims indicating the changes made by this Amendment are provided in the attached page captioned "**Version with Markings to Show Changes Made.**"

If any additional fees are required in connection with this response they may be charged to deposit account no. 02-1818.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Jeffrey H. Canfield, Esq.

Reg. No. 38,404

P.O. Box 1135

Chicago, Illinois 60690-1135

Phone: (312) 807-4233

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice Amended) A recording apparatus comprising:

recording means for recording ~~input~~ a first data set in a recording medium;

input means for ~~inputting~~ designating a start point and an end point of a desired second data set, wherein said second data set is a ~~portion~~ subset of said first data set to be recorded ~~in~~ or already recorded in said recording medium by said recording means; and

control means, ~~when said point and end point of said second data are designated through said input means,~~ for controlling said recording means so as to endlessly-record and overwrite a non-designated portion of said first data in said recording medium ~~that~~ which excludes said designated second data, ~~while avoiding such that the recording means endlessly records data in the recording medium in a a recording region of said recording medium that avoids the recording region in which said second data has been recorded.~~

9. (Twice Amended) A recording/reproducing apparatus for recording input data in a recording medium capable of non linear access, and reproducing and outputting the recorded data, comprising:

recording means for recording first data in said recording medium;

input means for ~~inputting~~ designating a start point and an end point of desired second data, wherein said second data is a ~~portion~~ subset of said first data to be recorded or already recorded in said recording medium by said recording means;

control means, ~~when said start point and end point of said second data are input through said input means,~~ for controlling said recording means so as to endlessly-record and overwrite a non-designated portion of said first data in said recording medium ~~that excludes~~ excluding said

second data, such that data is endlessly recorded in a region of said recording medium that avoids the region while avoiding a recording region of said recording medium in which said second data has been recorded; and

reproducing means for reproducing and outputting said first data recorded in said recording medium.

16. (Amended) A recording method for recording input first data in a recording medium capable of non linear access, comprising:

endlessly-recording said first data in said recording medium and inputting designating a start point and/or end point of desired second data, wherein said second data is a portion-subset of said first data to be recorded or already recorded in said recording medium; and

~~when said start point and/or end point of said desired second data are/is input, endlessly-~~ recording and overwriting a non-designated portion of said first data in said recording medium that excludes said designated second data while avoiding by recording said data in a region of said recording medium that does not include a recording region of said recording medium in which said second data corresponding to said start point and/or end point out of said first data has been recorded.

23. (Amended) A recording/reproducing method for recording input data in a recording medium capable of non linear access, and reproducing and outputting the recorded data, comprising the steps of:

endlessly-recording input data in said recording medium, and ~~inputting~~ designating a start point and/or end point of desired second data, wherein said second data is a ~~portion~~ subset of first data to be recorded or already recorded in said recording medium;

~~when said start point and/or end point of said desired second data are input, endlessly-~~
recording and overwriting a non-designated portion of said first data in said recording medium that excludes said second data while avoiding by recording said data in a region of said recording medium that does not include a recording region of said recording medium in which second data corresponding to said start point and/or end point out of said first data has been recorded; and
reproducing and outputting said first data recorded in said recording medium.